



State of Delaware
Public Employment Relations Board
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DELAWARE STATE AND FEDERAL EMPLOYEES)
LOCAL UNION NO. 1029, A/W LABORERS)
INTERNATIONAL UNION OF NORTH AMERICA,)
)
Charging Party,)
)
v.)
)
STATE OF DELAWARE, DEPARTMENT OF HEALTH)
AND SOCIAL SERVICES, DIVISION OF DEVELOP-)
MENTAL DISABILITY SERVICES, STOCKLEY)
CENTER,)
)
Respondent.)

ULP No. 08-08-628

NOTICE OF DETERMINATION

1. The State of Delaware (“State”), is a public employer within the meaning of §1302(p) of the Public Employment Relations Act, 19 Del.C. Chapter 13 (1994) (“PERA”). The Department of Health and Social Services (“DHSS”) is an agency of the State and the Stockley Center (“Stockley”) is a facility operated by the Division of Developmental Disability Services, a department of DHSS.

2. The Delaware State and Federal Employees Local Union No. 1029, a/w Laborers International Union of North America, (“LIUNA”) is an employee organization which admits to membership public employees and has as a purpose the representation of employees in collective bargaining pursuant to 19 Del.C. §1302(i).

3. The State and LIUNA were parties to a collective bargaining agreement which was effective June 8, 2004 through June 8, 2007.

4. On or about March 3, 2008, LIUNA provided documented notice to DHSS representatives who had served on the State’s negotiating team for the 2004-2007 Agreement,

specifically requesting to reopen negotiations. LIUNA did not receive a response to its request from any of the three individuals to whom they were sent.

5. On or about June 24, 2008, LIUNA renewed its request to begin negotiations by contacting the State's Director of Labor Relations and Employment Practices. The State refused to enter into negotiations on the basis that the contractual notice requirement had not been satisfied.

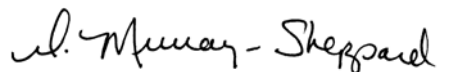
6. LIUNA has provided sufficient evidence in this matter to support its contention that it had a reasonable question as to who notice should be provided to reopen negotiations. LIUNA made a good faith attempt to have its question answered and faithfully followed the instruction it received by mailing certified notices to three DHSS Human Resources contacts. There is no dispute that these letters were received.

7. By failing to respond to the March 3, 2008, notices and/or failing to advise LIUNA in a timely manner to redirect the notice of its intent to reopen negotiations, the State violated its duty to bargain in good faith and 19 Del.C. §1307(a)(5).

WHEREFORE, the State is hereby ordered to immediately enter into negotiations with LIUNA Local 1029 with the commitment to expedite those negotiations. It is further ordered to advise the Public Employment Relations Board of the status of these negotiations not later than sixty days after the date of this decision.¹

IT IS SO ORDERED.

DATE: 4 February 2009



DEBORAH L. MURRAY-SHEPPARD
Executive Director
Del. Public Employment Relations Bd.

The full text of the decision rendered in this matter can be accessed at the Delaware PERB website, under the "Decisions" link - <http://perb.delaware.gov>

¹ Consistent with the statutory notice requirement of 19 Del.C. §1314.